REMARKS

Administrative Overview

Claims 1 and 6–27 were withdrawn following Applicants' Response to the First Office Action, filed on November 12, 2007. Applicants cancel without prejudice claims 1 and 6-27, reserving the right to pursue any or all of these claims in one or more divisional and/or continuation application(s).

In the Office Action mailed on January 28, 2008, claims 2, 4 and 5 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,557,105 to Tardo et al. ("Tardo"). Claim 3 was rejected under 35 U.S.C. § 103(a) as obvious over Tardo.

The Applicants hereby amend claims 2 and 5 and add claim 28. Support for the amendments may be found at least in paragraphs [0030], and [0040]-[0043] of the application as filed, as well as in the originally filed claims. Claim 4 is amended to address a typographical error.

After entry of this Response, claims 2–5 and 28 will be pending. The Applicants respectfully request reconsideration of these claims in light of the amendments made above and the arguments presented below, and the withdrawal of all rejections.

The Pending Claims are Patentable over Tardo

Claims 2, 4 and 5 were rejected under 35 U.S.C. § 102(e) as being anticipated by Tardo. Claim 3 was rejected under 35 U.S.C. § 103(a) as obvious over Tardo. We respectfully disagree.

A proper rejection for anticipation requires the inherent or express description of each and every element of a claim in a single prior art reference. See MPEP § 2131. Likewise, a prima facie case of obviousness requires a demonstration that the prior art references (when combined) teach or suggest all of the limitations of the claims at issue. See MPEP § 2143.

As described in Applicants' specification, the present invention utilizes a license authority to register a license associated with a particular protectable content, such as a software component. The license authority computes a license identifier which may be distributed with the protectable content and subsequently verified by a receiver of the protectable content utilizing the license authority. When a receiver of the protectable content and the license identifier wishes to authenticate the license identifier, the receiver sends a license authentication

request to the license authority. The license authority then compares the license identifier provided in the request with a stored license identifier to confirm the license associated with the protectable content. See, e.g. Appl. at [0030] and [0040]–[0043], and FIGS. 1B and 2.

Claims 2 and 5, as amended, each recite computing, storing, and transmitting a license identifier for distribution with the protectable content. These claims also require that upon receipt of a request over a network to authenticate the identifier, that the authenticity of the license identifier be determined by comparing the license identifier provided in the request with a stored identifier.

Tardo does not teach or suggest determining authenticity of a license identifier in response to a request for authentication received over a network, as required by the amended claims. To the contrary, Tardo teaches that the Gateway Interface Device 104 receives the license from the Licensing Authority 108 and verifies the license using the License Verification Module 126 at the Gateway Interface Device 104. See Tardo at col. 6, ln. 1–6; Fig. 1. Tardo teaches license verification without the use of network communications in connection with the verification operation and, in fact, Tardo teaches away from such method of operation by including the License Verification Module 126 at the Gateway Interface Device 104.

Tardo does not teach or suggest determining the authenticity of a license identifier by comparing the license identifier provided in the request message with a stored license identifier as required by the amended claims. Instead, Tardo describes a cryptographic verification process at the License Verification Module 126 that verifies the signature applied to the license certification public key and the signature applied to the license token using the corresponding digital keys. See Tardo, col. 6, ln. 54–58 and col. 7, ln. 3–14. In no way does this cryptographic method of applying and verifying signatures teach or suggest "comparing the received license identifier with a corresponding stored license identifier to determine the authenticity of the license identifier."

Thus, because Tardo does not teach or suggest every element of claims 2 and 5 as amended, we respectfully submit that Tardo fails to anticipate the pending independent claims or the claims that depend therefrom. Accordingly, we respectfully request reconsideration and withdrawal of all of the outstanding rejections.

CONCLUSION

In light of the foregoing, we respectfully submit that all of the pending claims are in condition for allowance. Accordingly, we respectfully request reconsideration, withdrawal of all rejections, and allowance of all of the pending claims in due course.

If the Examiner believes that a telephone conversation with the Applicant's attorney would be helpful in expediting the allowance of this application, the Examiner is invited to call the undersigned at the number identified below.

Respectfully submitted,

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